



Paper No. 7

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**JAN 07 2002**

In re Application of:  
Ahlgren, *et al.*  
Application No. 09/633,857  
Filed: August 7, 2000  
Attorney Docket No. FIS9-2000-0149US1

**OFFICE OF PETITIONS  
ON PETITION**

This is a decision on the December 18, 2001 petition under 37 C.F.R. §1.137(b) to revive the above-identified application.

This application was filed on August 7, 2000. On October 17, 2000, OIPE mailed a notice to file missing parts stating that the application had been accorded a filing date of August 7, 2000 and that a signed oath or declaration and a surcharge for its late filing were required. The notice set a two month deadline for replying.

Accordingly, on October 26, 2000, Applicants submitted a signed declaration and authorization to charge counsel's deposit account for the required \$130.00 surcharge. However, on June 18, 2001, a notice of incomplete reply was mailed, stating that the reply filed on October 26, 2000 was incomplete in that the oath or declaration was unsigned and that the filing fee had not been received. The notice stated that the period for replying remained as set forth in the October 17, 2000 notice to file missing parts.

On August 13, 2001, Petitioner filed a paper asserting that a proper reply to the notice to file missing parts had been submitted on October 26, 2000. That assertion was only partially true. While a signed declaration had, in fact, been filed at that time, the authorization to charge Petitioner's deposit account did not satisfy the requirement for paying the required surcharge, as the deposit account did not contain sufficient funds for making that debit.

Accordingly, the office mailed a notice to that effect on November 30, 2001.

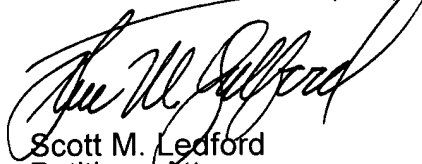
Petitioner responded with the December 18, 2001 filing of this petition.

All requirements for the filing of a grantable petition under 37 C.F.R. §1.137(b) to revive an unintentionally abandoned application have been met. Therefore, this petition is **GRANTED**.

This file is being forwarded to the Office of Initial Patent Examination.

As per Petitioner's request, all required fees will be charged to Petitioner's deposit account (da#09-0458)

Telephone inquiries concerning this matter may be directed to the undersigned in the Office of Petitions at (703) 306-5593.

A handwritten signature in black ink, appearing to read "Scott M. Ledford", is written over the printed name and title.

Scott M. Ledford  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy